

**In the Matter Of:**

LAURIE ORTOLANO vs

CITY OF NASHUA

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**FRANK LOMBARDI**

*April 19, 2024*

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*  
LAURIE ORTOLANO,  
Plaintiff,  
vs.  
CITY OF NASHUA, et al.,  
Defendants.  
\* \* \* \* \*

\*  
\*  
\* No.  
\* 1:22-cv-00326-LM  
\*  
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\*  
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VIDEOCONFERENCE DEPOSITION OF FRANK LOMBARDI,  
Deposition taken with all parties appearing remotely,  
on Friday, April 19, 2024, commencing at 10:03 a.m.

Court Reporter:  
Pamela J. Carle, LCR, RPR, CRR

FRANK LOMBARDI

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APPEARANCES

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Also Present:

Laurie Ortolano

1 now. And please excuse me, because I'm not good  
2 at this.

3 Can you see that document, Sergeant?

4 A. Yes.

5 Q. Does the form of it look familiar to  
6 you? Not the document itself, but the form of it.

7 A. Yes.

8 Q. The problem with the share screen is  
9 that multiple page documents we have to scroll  
10 through. So what I'm going to ask you to do is as  
11 we're looking at these documents, I'm in control  
12 of the screen here, so if you need me to scroll  
13 down or to flip to another page, just let me know  
14 as we're going through this.

15 A. Okay.

16 Q. Could you look at this document,  
17 please, and tell me if you recognize it.

18 A. Yes, I recognize it.

19 Q. What is it?

20 A. It looks like one of the pages from the  
21 report I completed during an investigation into the  
22 Nashua Assessing Department.

23 Q. This, would it be fair to say, is your  
24 first entry into an investigation of the assessing  
25 department, to the best of your recollection?

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15

1           A.       I believe so.

2           Q.       And some names are mentioned in here,  
3       Captain Lehto, Detective Lieutenant Mederos.  
4       Those were obviously two employees of the Nashua  
5       Police Department at the time?

6           A.       Yes.

7           Q.       Would it be fair to classify them as  
8       your superiors at that time?

9           A.       Yes.

10          Q.       And how about Sergeant MacLeod is  
11       mentioned down here as well. Is Sergeant MacLeod  
12       someone who was employed at the time?

13          A.       Yes.

14          Q.       And to be more precise, by the Nashua  
15       Police Department. Would he have been a superior  
16       at the time as well?

17          A.       Yes.

18          Q.       How did you come to learn that you  
19       would be involved in an investigation of the  
20       assessing department of Nashua?

21          A.       I was told by my supervisors, those  
22       three individuals specifically.

23          Q.       And would it be fair to say that this  
24       document was essentially the beginning of your  
25       investigation?

1 do you have anything to report to us, so if they  
2 bring it up on their own it doesn't appear that I'm  
3 trying to put words in their mouth or anything like  
4 that.

5 And then later on in the investigation  
6 if we were able to establish more evidence or  
7 things of that nature, then where I had left these  
8 interviews kind of cordial and not -- just kind of  
9 open-ended, I'd be able to reapproach them and ask  
10 them more pointed questions, if need be.

11 Q. Do you remember interviewing  
12 Ms. Cameron a second time or a third time?

13 A. Not -- I don't believe so, no.

14 Q. So is it your testimony that this was,  
15 to your recollection, the only time you  
16 interviewed Ms. Cameron?

17 A. From what I can recall, this was the  
18 only formal interview of her, yes.

19 Q. So it would be fair to say that you  
20 never asked Ms. Cameron about her input as to the  
21 witness tampering charges?

22 A. I don't know if I ever did directly,  
23 no.

24 Q. Okay.

25 MR. MALAGUTI: Bear with me for a

1 warnings that you give?

2 A. I guess I just try to use common sense,  
3 and I guess every situation is kind of different,  
4 you know, it depends on the situation.

5 Q. Can you estimate how many no-contact  
6 warnings you've given over the course of your  
7 career?

8 A. Well, when you say no-contact warnings,  
9 are you talking about like protection orders that I  
10 served to people over the years, or just more of a  
11 vague, like in this case, like no contact --

12 Q. Yeah, we'll ratchet down from the  
13 protection orders. Obviously, am I correct that a  
14 protection order would have to be issued by a  
15 court?

16 A. Yes. Yeah.

17 Q. So we're talking about just police  
18 warnings, something that might be proactive.

19 A. As far as putting a number on that,  
20 that would be hard to do. I mean, almost every  
21 domestic violence call we go to where an arrest  
22 isn't made, we're typically giving some sort of  
23 warning or advice and telling people to, you know,  
24 stop whatever behavior they're doing to prevent any  
25 future issues, so it could be multiple times a day.

1 Q. It happens a lot in the domestic  
2 situations?

3 A. Yeah, domestic situations, neighbor  
4 disputes, road rage incidences, juvenile matters at  
5 the schools, I believe -- I mean, our school  
6 resource officers probably do it multiple times a  
7 day, every day.

8 Q. And obviously less so in those  
9 instances that you just didn't describe, less more  
10 common -- less common in the instances that you --  
11 other than what you described?

12 A. I guess I --

13 MR. CULLEN: Objection to form. You  
14 can answer, if you can.

15 A. I guess I'm not understanding it, less  
16 than -- less than what?

17 BY MR. MALAGUTI:

18 Q. Well, you suggested that they happen  
19 quite frequently in domestic situations,  
20 neighborhood situations, juvenile situations, road  
21 rage situations. Are there other situations where  
22 you've given no-contact orders? And I'm obviously  
23 talking about other than this case.

24 A. Yeah, I -- I'm sure they have. I mean,  
25 I don't remember all specifically every instance of



1       that.

2           Q.       Okay. And, generally, what is the  
3       purpose of giving a -- and, again, we're talking  
4       less than a protection order, just a warning not  
5       to have contact?

6           A.       Generally speaking, it's to prevent any  
7       future issues or need for police involvement.

8           Q.       Would it be fair to say then that you  
9       give them only when you anticipate that the  
10      situation may escalate to a crime?

11          A.       I don't know if that would be true in  
12      all cases. I don't know if that would be true in  
13      all cases.

14          Q.       Can you give me an example of a case  
15      where you don't have a fear that the matter may  
16      escalate to a crime, but you've nonetheless given  
17      a verbal warning to have no contact?

18          A.       Oh, I guess an instance of that would  
19      be issues involving juveniles. If they're  
20      bothering somebody or fighting with each other or  
21      whatever it may be, that may be an instance where  
22      we would intervene and say, hey, you know, whatever  
23      behavior they're doing, knock it off, stop it, and  
24      in those cases if they're juveniles, knowing full  
25      well that we can't arrest a specific juvenile, we

1 would warn them against whatever behavior they're  
2 doing.

3 Q. But it sounds like you've just  
4 described matters where you are worried about a  
5 crime happening, even -- regardless of whether you  
6 can arrest or not.

7 A. Okay.

8 Q. Well, assault is a crime, right?

9 A. Well, I'm not saying that they would be  
10 assaulting somebody, if they were just making bad  
11 decisions or maybe, I don't know, climbing on a  
12 stone wall, you're afraid that they were going to  
13 get hurt, hey, knock it off, that kind of thing. I  
14 mean, I guess that would be an instance where a  
15 police officer could intervene.

16 We're kind of going down a deep  
17 hypothetical road here.

18 Q. Sure, it is. I understand that.

19 What about with adults, an instance  
20 where you don't anticipate -- an example of when  
21 you don't anticipate a crime occurring in the  
22 future, but you still feel it's appropriate to  
23 give a verbal warning of no contact?

24 A. An instance where I would warn an adult  
25 not to have contact with another adult when I don't

1       feel like a crime is going to be committed?

2           Q.       Yes.

3           A.       Is that the question?

4           Q.       Yes.

5           A.       I guess I can't think of any off the  
6       top of my head why I would do that.

7           Q.       Okay, thank you. Let's take a look at  
8       another document.

9                   MR. MALAGUTI: Bear with me just for a  
10       minute, I apologize.

11       BY MR. MALAGUTI:

12           Q.       Can you see that document, Sergeant?

13           A.       Yes.

14           Q.       And let's just focus on the first page.  
15       Do you recognize it or can you identify it?

16           A.       It looks like the narrative I completed  
17       for my interview with Ms. Brown.

18                   MR. MALAGUTI: Pam, can we enter that  
19       as Lombardi 8?

20       (Lombardi Exhibit 8 was marked for identification.)

21       BY MR. MALAGUTI:

22           Q.       Sergeant, did you do an interview with  
23       Louise Brown?

24           A.       Yes.

25           Q.       And it was done at the police

1 say it?

2 A. So two-part question. Were you asking  
3 me if I mentioned --

4 Q. Yeah, let me rephrase it. Why is there  
5 no mention -- why is there no questioning about  
6 the witness tampering charges regarding Kimberly  
7 Kleiner?

8 A. Again, it was just to -- it was an  
9 initial interview to see what she was wanting to  
10 report to us, what she had to report without me  
11 putting any words in her mouth or anything like  
12 that.

13 Q. Do you remember interviewing Ms. Brown  
14 again while she was being videotaped or  
15 audiotaped?

16 A. You said Ms. Brown, are you talking  
17 about Ms. Brown or Amanda Mazerolle?

18 Q. I'm sorry, thank you. Let me reframe  
19 the question.

20 Do you remember interviewing Amanda  
21 Mazerolle again being videotaped or audiotaped?

22 A. I don't believe I did.

23 Q. Do you remember having an informal  
24 interview with her again?

25 A. I don't -- I don't believe I did. I

1 during that interview?

2 A. Yes.

3 Q. And there's a lot of discussion here  
4 about the relationships -- I'll just represent to  
5 you -- I'm not going to ask you a question on  
6 this -- there's a lot of discussion about the  
7 relationships between the various members of the  
8 assessing department. But, once again, I don't  
9 see that there's any questions about the witness  
10 tampering charges with Ms. Kleiner.

11 A. I think this is Dame -- I apologize,  
12 never mind. I misunderstood your question.

13 MR. MALAGUTI: Because it was rather  
14 obfuscated, Brian, why don't I try it again.

15 BY MR. MALAGUTI:

16 Q. While Mr. Dame talks about a lot of  
17 different things, I don't see that he is  
18 questioned or provides any information on the  
19 witness tampering charge with Ms. Kleiner.

20 A. I think that would be accurate.

21 Q. And once again, just very quickly, I  
22 think I know the answer. What's the reason for  
23 that?

24 A. Again, this was early in the  
25 investigation, and I just wanted to see what people

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1 Lombardi 12.

2 (Lombardi Exhibit 12 was marked for identification.)

3 BY MR. MALAGUTI:

4 Q. Is this supplemental narrative a fair  
5 and accurate representation of what was said  
6 during the Mandile interview?

7 A. Yes.

8 MR. MALAGUTI: And for the record, this  
9 is NPD-LO-137 and 138.

10 BY MR. MALAGUTI:

11 Q. You don't recall asking Mr. Mandile  
12 about witness tampering and Kim Kleiner?

13 A. I don't recall if I did or not.

14 Q. Was this one of the early interviews  
15 like the others, where you just tended to let the  
16 people talk on their own?

17 A. I believe so.

18 Q. Do you recall interviewing Mr. Mandile  
19 again after this interview?

20 A. I don't think I did another formal  
21 interview, no.

22 MR. MALAGUTI: Pam, did I enter the  
23 last one as 12?

24 COURT REPORTER: Yes, you did.

25 MR. MALAGUTI: Thank you.

1                   Was Gary also a suspect in the  
2                   investigation you were doing?

3                   A.       Yes.

4                   Q.       And this supplemental narrative is a  
5                   fair and accurate representation of what was said  
6                   during his interview?

7                   A.       Yes.

8                   Q.       Do you recall interviewing him again?

9                   A.       I don't believe I conducted a formal  
10                  interview with him again, no.

11                  Q.       And if I represented that you didn't  
12                  ask him any questions about Ms. Kleiner and  
13                  witness tampering, would you dispute that?

14                  A.       No.

15                  Q.       Is that your recollection, that you did  
16                  not ask him about witness tampering?

17                  A.       I don't specifically recall.

18                  Q.       And you considered this to be one of  
19                  the early interviews where you just let people  
20                  talk like the others?

21                  A.       Yes.

22                  Q.       To your knowledge, was there an issue  
23                  here about Greg Turgiss and Gary Turgiss assessing  
24                  the same property?

25                  A.       Well, I guess that's a matter of

1           A.       Again, this is a summary. I don't  
2 remember exactly the words that he used when he was  
3 talking to me.

4           Q.       Do you remember accusations, that word?

5           A.       Again, I don't remember the exact words  
6 he used, if those were them or -- I didn't -- I  
7 didn't put any of these words in quotes, so I don't  
8 remember exactly what he said.

9           Q.       Okay. Did you know what he meant by  
10 negative attention, the words negative attention?

11          A.       I guess I -- I don't really recall  
12 exactly what he said at the time.

13          Q.       Did you ask him to be more detailed  
14 about what he meant?

15          A.       Again, I may have. I -- I don't know.

16          Q.       Would you agree that he was not  
17 reporting that Ms. Ortolano had physically  
18 threatened him?

19          A.       He didn't allege any criminal offenses  
20 to me, no.

21          Q.       And those criminal offenses would have  
22 been what, criminal threatening, stalking,  
23 criminal harassment, those types of things?

24          A.       Again, he didn't allege any criminal  
25 offenses to me at that time, so that could have



1 included those ones as well.

2 Q. Did you take notice at the time that he  
3 didn't allege any criminal offenses?

4 A. Yes.

5 Q. Did you tell him that he did not allege  
6 any criminal offenses?

7 A. I don't remember specifically what I  
8 told him about that or not.

9 Q. Did you advise him that because there  
10 were no criminal offenses, there was no legal  
11 remedy that the police could implement to stop  
12 someone like Ms. Ortolano from engaging in  
13 negative attention?

14 A. Again, I don't specifically remember  
15 what I said to him.

16 Q. Now, you did advise him, as we're  
17 looking here, and I'll read this with you.

18 "As KRT is located in Haverhill, Tozier  
19 was instructed to contact local police if any  
20 issues were to arise at that location. Tozier was  
21 also given information on how to apply for a  
22 restraining order if he and other employees felt  
23 that their concerns rose to that level?"

24 Would a restraining order in  
25 New Hampshire have been issued for something that

1 didn't involve criminal behavior?

2 A. I'm not the one that issues restraining  
3 orders, that would be a question for a judge.

4 Q. So that would be -- you were advising  
5 him on how to go to court to get a restraining  
6 order?

7 A. No, I was advising him that restraining  
8 orders are an option, and if they want to explore  
9 that option they would have to go to the court and  
10 talk to a judge about that.

11 Q. Are restraining orders an option in  
12 your mind? You have to make these calls on a  
13 daily basis. Are restraining orders an option in  
14 your mind when no crime has been committed?

15 A. I don't have to make that decision  
16 ever. My job is just simply to enforce them if one  
17 is already in place. I don't decide if they're  
18 issued or not.

19 Q. Then why did you even tell him that he  
20 had the option of applying for a restraining  
21 order?

22 A. Because he had the option to go and  
23 attempt to get one if he wanted to.

24 Q. Do you generally tell people that they  
25 have rights for restraining orders when they find

1 other people to be annoying or to engage in  
2 negative attention?

3 A. If they -- depending on the  
4 circumstances, in this case, if he's bringing up  
5 these concerns we say that that's an option, but we  
6 don't ever guarantee or make any promises and say  
7 that they're going to be granted. We just remind  
8 them that that's an option and it's up to them if  
9 they want to go attempt to do that or not.

10 Q. Did you advise him at this time that  
11 the police might consider issuing a no-contact  
12 warning to Laurie Ortolano?

13 A. If it's not documented in here, then I  
14 don't know or remember if I did or not.

15 Q. Is that because you didn't think it was  
16 appropriate to give him that advice?

17 MR. CULLEN: Objection to form. You  
18 can answer.

19 A. I don't know if I considered that at  
20 that time or not. I don't remember what I was  
21 thinking at that time.

22 BY MR. MALAGUTI:

23 Q. I've just pulled another document up on  
24 the screen. Could you take a look at that,  
25 please. And when you're ready, could you tell me

1 room separate from everyone else.

2 Q. So it was a private room where no  
3 one --

4 A. Yeah.

5 Q. Okay. And there was no one else in the  
6 room besides the three of you?

7 A. No, I believe it was just us three.

8 Q. So was Kimberly Kleiner in the office  
9 at the time, do you know?

10 A. I don't remember seeing her down there.

11 Q. Now, we'll take a look and spend a  
12 little bit of time on this, but do you have a  
13 recollection apart from this supplemental  
14 narrative of what Lynn Cameron told you once you  
15 started to talk in the conference room?

16 A. Yes.

17 Q. What did she tell you?

18 A. She told me that when she was -- I  
19 don't know if it was leaving work for the day or  
20 during a lunch break on a previous day that she was  
21 confronted by Laurie Ortolano, I think it was  
22 somewhere between City Hall and the Elm Street  
23 parking garage, I don't know if was on the sidewalk  
24 or where, but confronted by her and asked questions  
25 about the assessing department.

1 or did tears come somewhere in the middle or  
2 during the conversation?

3 A. I don't remember specifically. I don't  
4 believe she was crying when she first walked in the  
5 room. I think it was as she began to tell me about  
6 the situation is when she started crying, but I  
7 don't recall specifically when she started crying.

8 Q. And, again, you don't recall anything  
9 more specific about how she felt uncomfortable?

10 A. No, other than just the overall, I  
11 guess, stress that her and the rest of the  
12 assessment department had been in since I guess  
13 this whole thing began.

14 Q. Now, again, if you'd take a look at my  
15 cursor, I'm going to read that sentence that  
16 follows. Do you see that?

17 A. Yes.

18 Q. "Cameron explained that she felt that  
19 Ortolano had been waiting outside and had  
20 intentionally been attempting to confront her  
21 outside the office."

22 Did you ask her what facts she relied  
23 on when she said that Ortolano had been waiting?

24 A. Yeah, I don't think she had any  
25 specific facts, that was just how she felt or

1 interpreted the -- or the contact. Yeah.

2 Q. So your impression is she didn't know  
3 for a fact that Ortolano was waiting outside?

4 A. Yeah, I don't -- I don't -- I don't  
5 recall her giving me any hard evidence or proof,  
6 that was just her feelings.

7 Q. And I'm going to just jump ahead for a  
8 minute, and you may or may not recall. You did  
9 speak with Laurie Ortolano about this incident,  
10 right?

11 A. Yes.

12 Q. And Laurie Ortolano told you that she  
13 had not been waiting, didn't she?

14 A. Yes.

15 Q. Did you ask her what she meant by the  
16 words that Ortolano had -- and, again, if you look  
17 at my cursor, "intentionally been attempting to  
18 confront her outside of the office."

19 Did you ask for more specific facts  
20 about that?

21 A. Again, I don't recall if I did, but I  
22 don't -- from what I can remember, she didn't have  
23 any, again, evidence or facts to really  
24 substantiate that claim.

25 Q. And did you even know what she meant

1 quotes, but I'm sure it was something to that  
2 effect.

3 Q. Okay. Now, did Ms. Cameron ever  
4 directly ask you to issue a no-contact order in  
5 regard to Laurie Ortolano?

6 A. No.

7 Q. Let me rephrase that. I used the word  
8 order improperly. It was a warning, right, not an  
9 order?

10 A. Yeah, it had no -- there was no order,  
11 it was just a verbal warning.

12 Q. Somebody did contact you and tell you  
13 that Lynn Cameron did not want contact with  
14 Ms. Ortolano outside of the assessing department  
15 office, correct?

16 A. Yes.

17 Q. It wasn't Ms. Brown, was it?

18 A. No.

19 Q. It was Kim Kleiner, right?

20 A. Yes.

21 Q. Now, you've already testified that Kim  
22 Kleiner was not in the office when you were there  
23 that day and was not in the conference room when  
24 you spoke with Ms. Brown and Ms. Cameron, right?

25 A. Yes.

1 Q. What did Kim Kleiner tell you?

2 A. She told me that the assessing  
3 department had spoken amongst themselves and they  
4 all, except for Ms. Walley, had decided that they  
5 wanted me to relay to Ms. Ortolano that they didn't  
6 want to have any contact with her unless they were  
7 in the assessing department.

8 Q. Did you speak with any other members of  
9 the assessing department besides Lynn Cameron to  
10 confirm whether they wanted contact with Laurie  
11 Ortolano?

12 A. Nope.

13 Q. The only two people you talked about  
14 this with directly were Louise Brown and Lynn  
15 Cameron, right?

16 A. Well, and then Kim Kleiner when she  
17 told me what they had all decided upon.

18 Q. Okay. So you didn't ask the Turgisses  
19 if they wanted a no-contact order?

20 A. No.

21 Q. So you took Ms. Kleiner's word for it  
22 that these people wanted a no-contact warning?

23 A. Yes.

24 Q. And Ms. Kleiner was then and there  
25 under investigation for witness tampering, right?



1           A.       Yes.

2                   MR. MALAGUTI:   Okay, let's try to get  
3       through a couple more of these.   Hit a slow point,  
4       we'll then speed this up.

5   BY MR. MALAGUTI:

6           Q.       Can you see this document here that's  
7       up on the screen?

8           A.       Yes.

9           Q.       Do you recognize it?

10          A.       Yes.

11          Q.       What is it?

12          A.       It is call notes for a call that was  
13       generated in reference to this incident.

14          Q.       Tell me about the call, who  
15       participated in that call?

16          A.       In this specific call it was myself,  
17       and then Scott Hudon and Laurie Ortolano.

18          Q.       And this call, when you used the word  
19       call, you're not talking about a telephone call,  
20       are you, necessarily?

21          A.       No.   No, it's basically a -- call for  
22       service, but it's basically just a number that's  
23       generated for reference, and something that we did  
24       just to document it.

25                   MR. MALAGUTI:   And let's enter this as

1 Q. And, again, the only ones that you  
2 spoke to personally either by phone or by  
3 telephone were Kimberly Kleiner, Lynn Cameron and  
4 Louise Brown?

5 A. Yes.

6 Q. Again, another document up on the share  
7 screen. Do you recognize?

8 A. Yes.

9 Q. What is it, please?

10 A. It looks like the supplemental  
11 narrative that I completed when I attempted to make  
12 contact with Laurie Ortolano at her residence.

13 Q. And do you recall the details of what  
14 happened outside of this memo, outside of reading  
15 this supplemental narrative?

16 A. Yes.

17 Q. So you came to Laurie Ortolano's house?

18 A. Yes.

19 Q. On September 22nd, 2019. That was a  
20 Sunday, wasn't it? Do you remember?

21 A. That I -- I don't remember.

22 Q. Could it possibly have been a Sunday,  
23 if I represented to you that it was Sunday?

24 A. It could very well have been a Sunday,  
25 yeah.

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1 Q. A nonworking day, right?

2 A. If it was a Sunday, then I guess. I  
3 was working, so it was a working day for me.

4 Q. Now, you came to Ortolano's house with  
5 Sergeant DiTullio, is that how you pronounce it?

6 A. Yes, DiTullio.

7 Q. You both arrived in separate police  
8 cruisers?

9 A. Yes.

10 Q. Your lights weren't on, were they?

11 A. No.

12 Q. Parked both cruisers in front of the  
13 house?

14 A. Yes.

15 Q. Were you in uniform that day?

16 A. No.

17 Q. Was Sergeant DiTullio in uniform?

18 A. Yes.

19 Q. You walked up to the front door of  
20 Ms. Ortolano's home and rang the bell?

21 A. Yeah, I don't remember if I rang the  
22 bell or knocked on the door, but one of -- one of  
23 those things.

24 Q. Why did you bring a second person with  
25 you? Was that for -- to have a witness?

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1 A. Yes.

2 Q. Is that a standard practice when a  
3 no-contact warning is made?

4 A. It's just standard practice in general  
5 to have two people there when you're making contact  
6 with someone.

7 Q. And Ms. Ortolano wasn't home, right?

8 A. No, she wasn't.

9 Q. You were greeted at the door by her  
10 husband who told you as much?

11 A. Yup.

12 Q. And he said that he would have her  
13 contact you when she returned?

14 A. Yes.

15 Q. Could you have delivered this warning  
16 by telephone instead of bringing two cruisers into  
17 her neighborhood and parking in front of her  
18 house?

19 A. I like to talk to people in person,  
20 that way they can confirm who I am and that I'm not  
21 just a random person on the phone telling them I'm  
22 a police officer.

23 Q. Would it have been easier for you to  
24 call her and ask her to come to the Nashua Police  
25 Department?

1           A.       Could have been, I guess.

2           Q.       Did you consider doing that instead of  
3 bringing two police cruisers to her home?

4           A.       I don't remember, but at the time I  
5 assumed this would be a fairly brief conversation,  
6 instead of forcing her to leave her house and drive  
7 down to the police department, that I would be more  
8 inconveniencing her by doing that than if I just  
9 showed up to her house and had a quick conversation  
10 with her and left.

11          Q.       Was Sergeant DiTullio carrying a  
12 firearm when you walked up to the front door?

13          A.       Yes.

14          Q.       Were you carrying a firearm?

15          A.       Yes.

16          Q.       Let's take a look at the next document.  
17 Can you see the document up on the  
18 share screen, Sergeant?

19          A.       Yes.

20          Q.       Now, Ms. Ortolano called you a short  
21 time after you had visited her home, right?

22          A.       Yes.

23          Q.       And what was said in the telephone  
24 conversation? I imagine it was brief.

25          A.       Yeah, just that I was just looking to

1 make contact with her in person for a few minutes.  
2 And she told me she was near the police department,  
3 so she was just going to stop by there.

4 Q. Okay.

5 MR. MALAGUTI: By the way, I'm sorry,  
6 Pam, did we enter the last exhibit, Exhibit  
7 Lombardi 19?

8 COURT REPORTER: I believe 18 was the  
9 last one. Let me just check.

10 MR. MALAGUTI: Quickly, and I will just  
11 flash up 19 again. None of it is quick.

12 MR. CULLEN: I think we can agree that  
13 19 was NPD-LO-208.

14 MR. MALAGUTI: There we go. So, Pam,  
15 could you mark that as 19.

16 COURT REPORTER: Yes.

17 MR. MALAGUTI: My apologies.

18 (Lombardi Exhibit 19 was marked for identification.)

19 BY MR. MALAGUTI:

20 Q. All right, Sergeant, so the upshot  
21 is -- and, once again, can you see this document  
22 that I have up now?

23 A. Yes.

24 Q. I'm sorry, did I already ask you to  
25 identify it? I don't believe I did.

1 A. I don't remember.

2 Q. So why don't we do that now. Do you  
3 recognize this document that's up?

4 A. Yes.

5 Q. What is it, please?

6 A. It is a supplemental narrative for my  
7 contact with Ms. Ortolano.

8 Q. And this is the contact you had at the  
9 Nashua Police Department a short time after you  
10 had gone to her house, right?

11 A. Yes.

12 MR. MALAGUTI: And before I forget,  
13 let's mark this as Lombardi 20, please.  
14 (Lombardi Exhibit 20 was marked for identification.)  
15 BY MR. MALAGUTI:

16 Q. Now, this time you had a second -- a  
17 different -- a different person with you from the  
18 department. This time it was Sergeant, am I  
19 pronouncing it correctly, Hudon or Hudon?

20 A. Hudon, yes.

21 Q. And at this point you gave Ms. Ortolano  
22 her verbal warning of not contacting the people in  
23 the assessing department, right?

24 A. Yes.

25 Q. And just for the record, the people in

1 the assessing department were all members of the  
2 assessing department with the exception of Cheryl  
3 Walley?

4 A. Correct.

5 Q. And you didn't speak directly with  
6 Ms. Walley about her desire not to be part of that  
7 no-contact warning?

8 A. No.

9 Q. That was relayed by Kim Kleiner?

10 A. Yes.

11 Q. So I'm just going to refer you to the  
12 paragraph where I'm focusing the cursor here.

13 So when you issued the warning, and I  
14 think the words that you used -- let's go up to  
15 the paragraph above.

16 You informed Ortolano that after  
17 speaking with Kleiner and members of the assessing  
18 department, they decided they wanted me to inform  
19 Ortolano that all members -- all of the current  
20 members of the assessing department did not want  
21 to have any contact with Ortolano anywhere other  
22 than within the Nashua Assessing Department for  
23 matters involving assessing.

24 Now I'm dropping down to this  
25 paragraph. She asked you if what you were doing



1 was legal. Do you remember that happening?

2 A. Yes.

3 Q. When you issue these warnings, do  
4 people often say that?

5 A. Typically not, no.

6 Q. Do you ever remember anyone else asking  
7 if it was legal to give such a warning?

8 A. No. I don't think so.

9 Q. Okay. And you said that it is commonly  
10 done in an attempt to proactively prevent crimes  
11 from occurring. Is that an accurate reflection of  
12 what you said?

13 A. Yes.

14 Q. Did Mrs. Ortolano do anything to make  
15 you think that she might engage in a crime  
16 regarding the members of the Nashua Assessing  
17 Department?

18 A. At that time --

19 Q. Yeah.

20 A. -- did I think she was a suspect in  
21 anything? No, nothing had been alleged.

22 Q. Well, I'll broaden the question a bit.  
23 Not only was she a suspect, was there anything  
24 that she did to make you think that she might  
25 engage in some type of a crime when dealing with

1 members of the Nashua Assessing Department?

2 MR. CULLEN: Objection to form. You  
3 can answer.

4 A. Well, I mean, we're kind of going down  
5 a hypothetical road here. I mean, is it possible  
6 that she could have eventually committed a crime  
7 against one of the members of the assessing  
8 department? Yes, it's possible.

9 BY MR. MALAGUTI:

10 Q. Well, it's a hypothetical warning,  
11 isn't it? Because you said it's commonly done by  
12 the Nashua Police Department to attempt to  
13 proactively prevent crimes from occurring. You  
14 didn't have any crimes in mind, did you?

15 A. No.

16 Q. And there's nothing that you had seen  
17 that would suggest that Ms. Ortolano would be  
18 committing a crime any time soon, correct?

19 A. I -- again, I don't know if things were  
20 to escalate, and if she were to keep having contact  
21 with people outside of the assessing department,  
22 there is the potential that that could have  
23 escalated to becoming a crime.

24 Q. Do you think it was possible then it  
25 could have escalated to being a crime perpetrated

1 by one of the assessors on Mrs. Ortolano?

2 A. I mean, anything's possible.

3 Q. So then you explained to Ortolano, and  
4 I'm going to take this portion of the sentence  
5 from right here, "that if she did have contact  
6 with previously listed individuals, that she could  
7 face criminal charges" --

8 MR. CULLEN: No, no, no, Peter, you  
9 can't start there.

10 MR. MALAGUTI: All right. I'll read  
11 the whole thing. I -- well taken.

12 MR. CULLEN: You're leaving out the --  
13 there was the potential, which is a pretty  
14 important aspect of that sentence.

15 MR. MALAGUTI: So let's start right  
16 here, Brian. We'll start at the beginning of the  
17 sentence.

18 MR. CULLEN: Sure.

19 MR. MALAGUTI: I explained to Ortolano.

20 BY MR. MALAGUTI:

21 Q. "I explained to Ortolano now that she  
22 had been warned that these specific people did not  
23 want to have any contact with her outside of the  
24 assessing department, there was the potential that  
25 if she did have contact with previously listed

1 individuals that she could face criminal charges,  
2 depending on the circumstances of the contact."

3 Is that an accurate representation of  
4 what you told her?

5 A. Yes.

6 Q. Did you explain to her what the  
7 circumstances might be?

8 A. No, I didn't get into every  
9 hypothetical situation that could exist that could  
10 lead to her arrest, no.

11 Q. Well, did you tell her that just a  
12 normal conversation was not engaged in -- was not  
13 encapsulated in that statement, "the circumstances  
14 of this contact"?

15 A. Again, I don't specifically think I  
16 said that, no.

17 Q. Without some type of a limitation, did  
18 you think that she might draw the impression that  
19 merely talking to one of the assessors or one of  
20 the clerks outside of the office might constitute  
21 a crime?

22 A. I guess that's a question for her. I  
23 felt like I was very clear when I told her that  
24 depending on circumstances, just merely her having  
25 contact with them would not be cause to arrest her.

1           Q.       Well, Sergeant, you say it's a question  
2       for her, but you're the one who told her that she  
3       could face criminal charges if she had contact.

4                   MR. CULLEN:   Objection to form.

5   BY MR. MALAGUTI:

6           Q.       And you didn't feel the need to limit  
7       what you were saying?

8           A.       I told her that depending on the facts  
9       and circumstances of that contact it could  
10      potentially lead to criminal charges.

11          Q.       Did you consider that this might put  
12      her in a bit of a spot if a member of the  
13      assessing department approached her outside of the  
14      assessing department offices?

15          A.       No, I don't see why that would put her  
16      in a spot.

17          Q.       So you don't see whether, for example,  
18      if Kimberly Kleiner were to approach her and  
19      chastise her for something, that that would  
20      not put her -- let me start again.

21                   If Kimberly Kleiner were to approach  
22      her and chastise her for something she had done,  
23      that would not put her in apprehension of being  
24      arrested for responding in kind?

25          A.       No, I don't see how she would interpret

1       that that way.

2           Q.       Now, this warning ends up becoming a  
3       part of the police files kept at the police  
4       department, doesn't it?

5           A.       Yes.

6           Q.       And this warning is a public document,  
7       isn't it?

8           A.       I believe so, yes.

9           Q.       This warning can, in fact, be relied  
10       upon by Nashua police officers dealing with her in  
11       the future, correct?

12          A.       Correct.

13          Q.       This document can be obtained by any  
14       member of the public making a 91-A request as  
15       well, right?

16          A.       I'm not intimately familiar with the  
17       91-A requests, I don't handle those, so I don't  
18       know what, if any, parts of this would be redacted  
19       or not.

20          Q.       Well, do you know that, in fact, this  
21       warning was relied upon by an officer when he  
22       dealt with Ms. Ortolano some three years later?

23          A.       No.

24          Q.       Do you know who Officer James  
25       Testaverde is?

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1 A. Yes.

2 Q. Who is James Testaverde, please?

3 A. Currently right now he is a part-time  
4 detective assigned to register sex offenders for  
5 the Nashua Police Department.

6 Q. So I'm going to have you take a look at  
7 this letter and ask you if you recognize it. I'm  
8 going to guess that you don't, but just take a  
9 minute to look at it, and tell me if you recognize  
10 it, please.

11 A. I don't believe I've seen this before.

12 Q. But you recognize the form. And I  
13 mistakenly called it a letter, it's not a letter.  
14 Would it be the form of a supplemental narrative?

15 A. Yes.

16 Q. And do you recognize that it is signed  
17 by James Testaverde?

18 A. Yes.

19 Q. And you see that the date is June 15 --  
20 MR. MALAGUTI: By the way, let's enter  
21 this as an exhibit. What is this one, 21?  
22 Lombardi 21.

23 COURT REPORTER: Correct.

24 (Lombardi Exhibit 21 was marked for identification.)

25 MR. MALAGUTI: NPD-LO-4125 through

1 into not participating with any investigations  
2 involving the Nashua Assessing Department."

3 Do you see that?

4 A. Yeah.

5 Q. That's not accurate, is it?

6 A. I don't understand why that's not  
7 accurate.

8 Q. So did you ask every single member of  
9 the assessing department whether they were  
10 threatened or coerced by Kim Kleiner into not  
11 participating in the investigation of the Nashua  
12 Assessing Department?

13 A. No.

14 Q. In fact, the only ones that you asked  
15 questions of as to this witness tampering question  
16 was Kim Kleiner herself, Cheryl Walley, and John  
17 Griffin, correct?

18 A. I would agree with that if that's what  
19 it says in the reports, yes.

20 Q. John Griffin was Ms. Kleiner's boss,  
21 right?

22 A. I don't remember how they were  
23 structured at that time, but that's very possible  
24 he was.

25 Q. All right. I'm just going to ask you a